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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,661	08/30/2001	Marc Robidas	SYCS-009	1127
959	7590	05/31/2005	EXAMINER	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			PHAN, HANH	
			ART UNIT	PAPER NUMBER
			2633	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/943,661	Applicant(s) ROBIDAS ET AL.	
	Examiner Hanh Phan	Art Unit 2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 12/17/2004.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 21-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites the limitation "**said control optical switch**" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Lu et al (Pub. No.: US 2002/0191247 A1) in view of Chaudhuri (US Patent No. 6,324,162).

Regarding claims 1, 13 and 21, referring to Figure 5, Lu discloses in a switched communication network having an optical layer for photonic transport of data, a method for handling a failure of an established circuit to avoid end-to-end tear down and re-establishment of the established circuit, the method comprising the steps of:

providing a first optical node (i.e., node C, Fig. 5) and a second optical node (i.e., node D, Fig. 5) ;

detecting the failure of the established circuit between the first optical node and second optical node of the established circuit (As indicated in Fig. 5, page 6, paragraphs [0080], [0083] and [0084]), a first optical node (chooser node) and a second optical node (sender node), the sender node detects the failure of the established circuit between the chooser node and sender node, see Fig. 5);

reporting the failure of the established circuit to a control optical node in the optical layer by one of the first optical node and said second optical node (As indicated in Fig. 5, page 6, paragraphs [0080], [0083] and [0084], reporting the failure of the established circuit to a control optical node (i.e., chooser node) in the optical layer by one of the first optical node and the second optical node, see Fig. 5); and

with the control optical node (i.e., chooser node, Fig. 5) initiating restoration of the established circuit between the first optical node and the second optical node of the established circuit (see paragraphs [0073]-[0076]).

Lu differs from claims 1, 13 and 21 in that he does not specifically teach the detection of the failure of the established circuit between the first and second optical nodes is made by any of the first and second optical nodes. However, Chaudhuri in US

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Patent No. 6,324,162 teaches the detection of the failure of the established circuit between the first and second optical nodes is made by any of the first and second optical nodes (Figs. 2 and 3, col. 6, lines 7-45, col. 7, lines 45-67 and col. 8, lines 32-40). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to incorporate the detection of the failure of the established circuit between the first and second optical nodes is made by any of the first and second optical nodes as taught By Chaudhuri in the system of Lu. One of ordinary skill in the art would have been motivated to do this since Chaudhuri suggests in column . 6, lines 7-45, col. 7, lines 45-67 and col. 8, lines 32-40 that using such the detection of the failure of the established circuit between the first and second optical nodes is made by any of the first and second optical nodes have advantage of allowing restoring service in mesh network upon the failure of path.

Regarding claims 2 and 22, the combination of Lu and Chaudhuri teaches the step of recording a number of the failures over a period of time to determine performance metrics of the switched communication network (Fig. 5 of Lu and Figs. 2 and 3 of Chaudhuri).

Regarding claims 3 and 23, Lu further discloses the failure concerns a communication link coupled to the first optical node and to the second optical node (see Fig. 5, paragraphs [0076] and [0079]).

Regarding claims 4 and 24, Lu further discloses the communication link comprises a trunk (Fig. 5).

Regarding claims 5 and 25, Lu further discloses communication link comprises a channel of the trunk (see Fig. 5, paragraphs [0076] and [0079]).

Regarding claims 6 and 26, Lu further discloses the step of regenerating the established circuit from a source optical node of the established circuit where the restoration of the established circuit between the first optical node and the second optical node fail to restore the established circuit (paragraphs [0073]-[0076]).

Regarding claims 7, 14 and 27, Lu further discloses the step of routing traffic between the first optical node and the second optical node through a restored trunk (Fig. 5).

Regarding claims 8 and 28, Lu further discloses the step of generating a revised path trace to indicate the restoration of said established circuit (see paragraphs [0072]-[0074]).

Regarding claims 9, 16 and 29, the combination of Lu and Chaudhuri discloses first optical node is said control optical node (Fig. 5 of Lu and Figs. 1 and 2 of Chaudhuri).

Regarding claims 10 and 30, Lu further discloses second optical node is said control optical node (Fig. 5).

Regarding claims 11, 20 and 31, Lu further discloses the established circuit comprises a label switched path (LSP)(see paragraphs [0072]-[0074]).

Regarding claims 12 and 17, Lu further discloses the optical nodes comprise optical cross connect switches (see paragraphs [0072]-[0074]).

Regarding claim 15, the combination of Lu and Chaudhuri discloses a network topology database to track network topology and said method further comprising the step of, revising a network topology database to indicate the selection of said alternative trunk (see paragraphs [0073]-[0075] and Figs. 2 and 3 of Chaudhuri).

Regarding claims 18 and 19, Lu further discloses the alternative trunk has a bandwidth capacity equivalent to said failed trunk (see paragraph [0076]).

6. Claims 1-10, 12-19 and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal et al (US Patent No. 6,763,190) in view of Chaudhuri (US Patent No. 6,324,162).

Regarding claims 1, 13 and 21, referring to Figure 1, Agrawal discloses in a switched communication network having an optical layer for photonic transport of data, a method for handling a failure of an established circuit to avoid end-to-end tear down and re-establishment of said established circuit, said method comprising the steps of:

providing a first optical node (i.e., node B, Fig. 1) and a second optical node (i.e., node C, Fig. 1);

detecting said failure of said established circuit between the first optical node and second optical node of said established circuit (As indicated in Fig. 1, col. 6, lines 5-60, detecting the failure (node D) of the established circuit between a first optical node (node A) and a second optical node (node D) of the established circuit a first optical node (node A) and a second optical node (node D));

reporting said failure of said established circuit to a control optical node in said optical layer by one of said first optical node and said second optical node (As indicated in Fig. 5, col. 6, lines 5-60, node D reports the failure of the established circuit to a control optical node (node A) in the optical layer by one of the first optical node and the second optical node); and

with said control optical node (node A, Fig. 1) initiating restoration of said established circuit between said first optical node and said second optical node of said established circuit (col. 3, lines 15-67 and col. 4, lines 1-35).

Agrawal differs from claims 1, 13 and 21 in that he does not specifically teach the detection of the failure of the established circuit between the first and second optical nodes is made by any of the first and second optical nodes. However, Chaudhuri in US Patent No. 6,324,162 teaches the detection of the failure of the established circuit between the first and second optical nodes is made by any of the first and second optical nodes (Figs. 2 and 3, col. 6, lines 7-45, col. 7, lines 45-67 and col. 8, lines 32-40). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to incorporate the detection of the failure of the established circuit between the first and second optical nodes is made by any of the first and second optical nodes as taught By Chaudhuri in the system of Agrawal. One of ordinary skill in the art would have been motivated to do this since Chaudhuri suggests in column . 6, lines 7-45, col. 7, lines 45-67 and col. 8, lines 32-40 that using such the detection of the failure of the established circuit between the first and second optical nodes is made by

any of the first and second optical nodes have advantage of allowing restoring service in mesh network upon the failure of path.

Regarding claims 2 and 22, the combination of Agrawal and Chaudhuri teaches the step of recording a number of the failures over a period of time to determine performance metrics of the switched communication network (Fig. 1 of Agrawal and Figs. 2 and 3 of Chaudhuri).

Regarding claims 3 and 23, Agrawal further discloses the failure concerns a communication link coupled to the first optical node (node A) and to the second optical node (node D)(Fig. 1).

Regarding claims 4 and 24, Agrawal further discloses the communication link comprises a trunk (Fig. 1).

Regarding claims 5 and 25, Agrawal further discloses communication link comprises a channel of the trunk (col. 3, lines 30-50).

Regarding claims 6 and 26, Agrawal further discloses the step of regenerating the established circuit from a source optical node (node A) of the established circuit where the restoration of the established circuit between the first optical node and the second optical node fail to restore the established circuit (Fig. 1).

Regarding claims 7, 14 and 27, Agrawal further discloses the step of routing traffic between the first optical node (node A) and the second optical node (node B) through a restored trunk (Fig. 1, col. 3, lines 15-67 and col. 4, lines 1-35).

Regarding claims 8 and 28, Agrawal further discloses the step of generating a revised path trace to indicate the restoration of said established circuit (Fig. 1).

Regarding claims 9, 16 and 29, Agrawal further discloses first optical node is said control optical node (Fig. 1).

Regarding claims 10 and 30, Agrawal further discloses second optical node is said control optical node (Fig. 1).

Regarding claims 12 and 17, Agrawal further discloses the optical nodes comprise optical cross connect switches (Fig. 1).

Regarding claim 15, Agrawal further discloses a network topology database to track network topology and said method further comprising the step of, revising a network topology database to indicate the selection of said alternative trunk (Fig. 1).

Regarding claims 18 and 19, the combination of Agrawal and Chaudhuri discloses the alternative trunk has a bandwidth capacity equivalent to said failed trunk (Figs. 2 and 3 of Chaudhuri).

Response to Arguments

7. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.


HANH PHAN
PRIMARY EXAMINER



Approved
HP
05/26/05

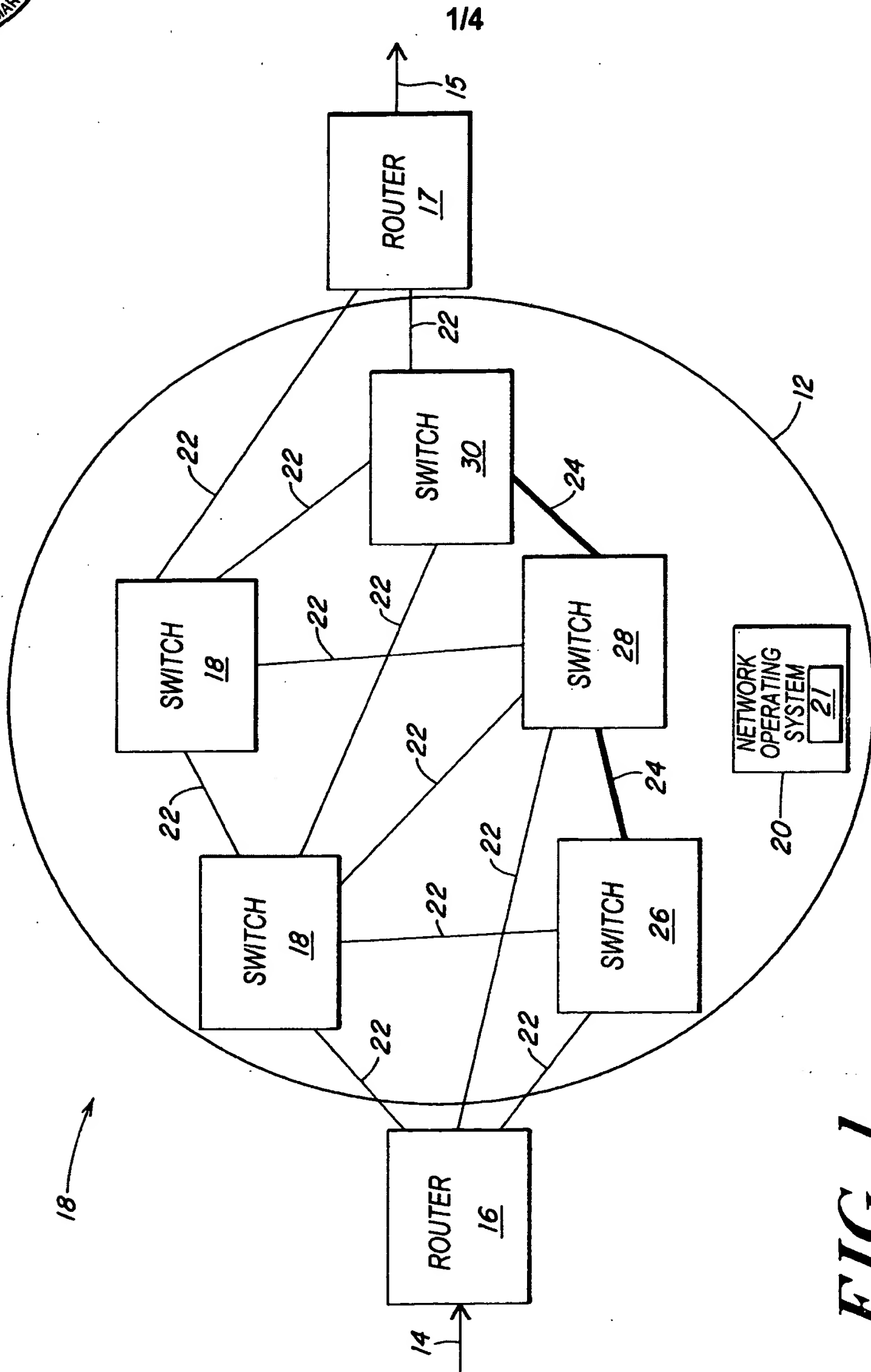


FIG. 1